

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 00-102
)	
JAMES D. SUMLER, a/k/a)	
Chew, a/k/a Smoke)	

**MOTION TO DESTROY
FIREARMS AND AMMUNITION**

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Michael L. Ivory, Assistant United States Attorney for said district, and respectfully moves this Court, pursuant to the All Writs Act, Title 28, United States Code, Section 1651(a), to enter an order authorizing Special Agents of the Drug Enforcement Administration to destroy certain firearms and ammunition seized from the defendant during the investigation of this case. In support thereof, the government alleges as follows:

1. On or about May 25, 2000, the defendant, James D. Sumler, a/ka/ Chew, a/k/a Smoke was charged in a two count indictment with violating Title 21, United States Code, Sections 846, conspiracy to distribute and possess with intent to distribute in excess of five (5) grams of a mixture and substance containing a detectable amount of cocaine base in the form commonly known as crack (Count 1); and Title 18, United States Code, Section

924(c)(1)(A)(I) using a firearm during and in relation to a drug trafficking crime (Count 2).

2. On February 28, 2001, defendant James D. Sumler was found guilty on counts one and two after trial.

3. On July 27, 2001, defendant James D. Sumler was sentenced to 82 months at count 1 and 60 months at count 2, to be served consecutively and five years supervised release.

4. During the course of the investigation, on March 6, 2001, a residence located in Jeanette, Pennsylvania, was searched pursuant to a federal search warrant. The following item was seized from the defendant at that time and currently remains in the custody of the Drug Enforcement Administration:

One Ruger P-90 .45 caliber handgun, Serial
Number 66140976

5. As a result of defendant's felony conviction in the United States District Court for the Western District of Pennsylvania, it is unlawful for defendant James D. Sumler, a/k/a Chew, a/k/a Smoke to possess any firearm or ammunition or to receive any firearm or ammunition. Title 18, United States Code, Section 922(g)(1).

WHEREFORE, it is respectfully requested that this Court enter an order authorizing Special Agents of the Drug Enforcement Administration to destroy the above-described item.

Respectfully submitted,

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s/Michael L. Ivory
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